

REMARKS

Reconsideration is respectfully solicited.

The U.S. PTO Examiner is alerted to the filing of an INFORMATION DISCLOSURE STATEMENT on May 20, 2008.

Claims 1 and 4-6 have been amended in accordance with the specification:

Subject matter recited in the above amendments is supported by specification page 31 line 11 to line 16, page 32 line 25 to page 33 line 2, and page 40 line 20 to line 24. Specifically, at page 31 line 14 to line 15 the specification recites "the solid oxide fuel cell stack 57 is provided near the reformer 3" with respect to the recitation "adjacently located to the reforming means". Page 32 line 24 to line 25 recites " the temperature of the reformer 3 has to be maintained at 700 to 750 degrees C" and supports the recitation "temperature is maintained in a predetermined range". Page 40 line 21 to line 24 which recites "the anode exhaust gas 72 containing unreacted hydrogen is completely recycled to the anode 6 and reused for power generation by the polymer electrolyte fuel cell stack 9" supports "an anode exhaust gas containing unreacted hydrogen".

Applicants respectfully traverse the section 112 rejections of various claims. It is applicants' belief that the rejections are overcome by the amendments outlined above.

Applicants traverse the section 103 rejections of various claims in which the Xu reference is the primary reference in all grounds of rejection(s), but in which the secondary references differ.

In applicants' view, in the present claims, a reformer is not only placed a stack cell but its temperature is also to be maintained in a predetermined range. Neither Xu nor Morimoto disclose and/or suggest such subject matter. Further, in the present claims as amended above, an anode exhaust gas containing unreacted hydrogen, from the first fuel cell stack can be supplied to the second fuel cell stack. As result, use of an anode exhaust will increase efficiency of the system and decrease loss of fuel gas. Similarly, neither Xu nor Morimoto disclose and/or suggest that use of an anode exhaust.

One of the important features of the present invention is that a first power generating means supplies waste heat required for said steam reforming reaction outside of the reforming means placed nearby the first power generating means. Xu does not disclose, and teaches away from, such feature. Applicant advises that Xu does not disclose a stack cell or power generator placed near by a reformer, although the Examiner asserts at col. 3, line 56, *et seq.*, and relied upon that portion of the reference to assert, in turn, that Applicant's claims are disclosed in Xu (col. 3, line 56, *et seq.*).

Applicant respectfully traverses the rejections of claims over Xu, in view of Morimoto *et al.* or further in view of Gagnon and/or Scheffler.

In Applicant's view, the analysis of the U.S. PTO does not appear to establish the differences between the subject matter claimed and the information in the applied references; this determination is one of the elements of the *Graham v. John Deere* investigation. In Applicant's view, the Graham inquiry is still U.S. PTO policy with respect to the analysis the PTO must undertake in reaching any conclusion under 35 U.S.C. 103(a). It is the objective initial factual

inquiry. Further in Applicant's view, the U.S. PTO has not undertaken any inquiry in connection with the third determination under *Graham*.

If the determination required by *Graham v. John Deere* is undertaken, the claims presented herein are patentable. Specifically, the allegations that certain element(s) "read(s)" on does not appear to be the analysis dictated by the *Graham* second inquiry. It is Applicant's opinion that the claims are patentable, and Applicant respectfully traverses the rejections of the claims over Xu, alone or in view of Morimoto *et al.*

Xu does not teach a second power generating means. Accordingly, Xu does not describe the last two paragraphs of Claim 1. The question of obviousness can not be predicated on unknown information.

Morimoto requires a direct "**first line**" for introducing in the second fuel cell gasses discharged from the first anode into a second anode; and a **second line** for introducing it into the second anode gases discharged from the first cathode. Morimoto does not appear to describe the last three paragraphs of Claim 1 under rejection. Accordingly, together, the references fail to describe the last two paragraphs of Claim 1; that is, Morimoto fails to make up for the Xu description deficiencies. Accordingly, the combination of the two references does not establish a *prima facie* case of obviousness.

Applicant respectfully traverses the rejections of Claims 3, 6, over Xu, in view of Morimoto *et al*, and further in view of Gagnon. As noted above, Xu and Morimoto *et al*, alone or in combination, fail to describe Claim 1. In Applicant's view, the Gagnon description at column 3 refers to a "hydrogen condenser 42," but does not make up for the deficiencies of Xu and Morimoto discussed above. There is nothing in the Gagnon description which requires a second power generating means of Claim 1 under examination.

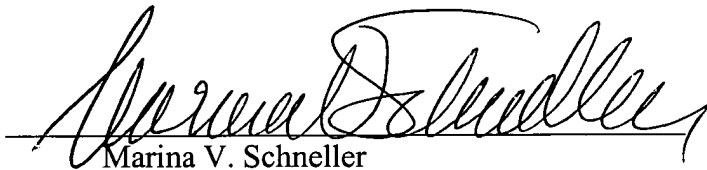
Applicant respectfully traverses the rejections of Claims 12-19 and 24-31, over Xu, in view of Morimoto *et al.* and further in view of Scheffler. Applicant also respectfully traverses the rejection of Claims 20, 21-23, and 32-35 over Xu, in view of Morimoto *et al.* and Gagnon further in view of Scheffler.

In Applicant's view, there is nothing in the Scheffler description which requires a second power generating means. Thus, Applicant disagrees with the U.S. PTO's allegation that it would be obvious to modify Xu with a "powerplant microprocessor control" and "air inlet valve" of Scheffler. Xu provides no reason to make such a modification, nor does Scheffler suggest that such a modification of Xu's description is appropriate. For the reasons set forth above, the Xu reference deficiencies also dictate that a combination of the Gagnon reference would not result in the subject matter of Claim 1.

Reconsideration and an early allowance are respectfully solicited.

Respectfully submitted,

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